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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,151	09/18/2003	John H. Gillen	1-16232	8219

7590 09/21/2004

Attn: D. Edward Dolgorukov, Esq.  
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EXAMINER

ORTIZ, ANGELA Y

ART UNIT PAPER NUMBER

1732

DATE MAILED: 09/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/666,151	<b>Applicant(s)</b> GILLEN ET AL.	
	<b>Examiner</b> Angela Ortiz	<b>Art Unit</b> 1732	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 September 2003.  
 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-32 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
 6) ☒ Claim(s) 1-32 is/are rejected.  
 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:  
         1. ☐ Certified copies of the priority documents have been received.  
         2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
     \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

Claims 2, 19-22, 24, 31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 2, step (f), the door platen is referred twice, making the claimed relationship unclear and the claim indefinite.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1, 4-7, 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Faig et al., USP 5,033,955.

The cited reference substantially teaches the basic claimed method of molding comprising providing a molding apparatus having parallel top and bottom frame members, including a moveable mold platen on a frame member, and a fixable mold platen rotatably fixed to a frame member. The mold platens carry mold portions comprising two parts - male and female parts, or upper and lower parts. The first platen is adapted to be rotated, and is effected by a first actuation means. The second platen is slidably carried on movable means, and cooperates with a mold mounting plate that can pivot using a second actuation means. The method includes a molding operation that permits the molding of parts within the molding cavity formed. After the molding cycle, the parts may be ejected from the cavity, or removed conventionally. See col. 3, lines 1-15, 35-40, 50-65; col. 4, lines 5-10, 25-35; col. 5, lines 25-50.

The cited reference does not teach directly accessing the moveable mold platen via a door opening as claimed.

Note that the cited reference teaches a moveable platen as claimed, wherein the platen is connected to a mounting plate, and the mounting plate can be pivoted outward to allow access to the molding cavity.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to directly access the moveable mold platen through a door opening as claimed, in view of the applied prior art reference, to allow access to the molded part as shown.

Claims 2, 3, 8-29, 31, 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Faig et al., USP 5,033,955 in view of the admitted prior art as set forth on pages 1-3 of the instant specification.

The cited primary reference substantially teaches the basic claimed method of molding comprising providing a molding apparatus having parallel top and bottom frame members, including a moveable mold platen on a frame member, and a fixable mold platen rotatably fixed to a frame member. The mold platens carry mold portions comprising two parts - male and female parts, or upper and lower parts. The first platen is adapted to be rotated, and is effected by a first actuation means. The second platen is slidably carried on movable means, and cooperates with a mold mounting plate that can pivot using a second actuation means. The method includes a molding operation that permits the molding of parts within the molding cavity formed. After the molding cycle, the parts may be ejected from the cavity, or removed conventionally. See col. 3, lines 1-15, 35-40, 50-65; col. 4, lines 5-10, 25-35; col. 5, lines 25-50.

The cited primary reference does not teach a vacuum head, or the step of encapsulating a part as claimed, nor the specific part materials as claimed.

The added secondary reference teaches as conventional the feature of encapsulating a part, wherein the part may be a sheet material, or other conventional materials. See the instant specification at pages 1-3.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to so include a part to be encapsulated, including sheet materials, for equivalently molding a composite article as claimed.

Note that the admitted prior art teaches the use of means to hold a sheet of material in place, prior to encapsulating. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include any conventional means for holding a part in place, include vacuum head means, for precisely positioning the part within the mold cavity.

### ***Conclusion***

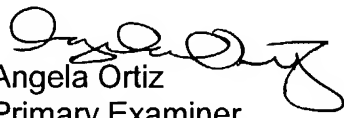
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. USP's 3577591; 3981671; 4072458; 4354819; 6123535; 6461137; 6495082; 6511310; 6626659.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angela Ortiz whose telephone number is 571-272-1206. The examiner can normally be reached on Monday-Thursday 9:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Colaiani can be reached on 571-272-1196. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1732

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Angela Ortiz  
Primary Examiner  
Art Unit 1732

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